

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STEPHEN KURT BAUGHMAN,

Plaintiff,

v.

JIMMY BOWMAN, et al.,

Defendants.

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Case No. 6:20-cv-560-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Esaw Lampkin, a Henderson County Jail inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

Before the Court are Plaintiff's motion to take judicial notice (Docket No. 68) and motion for a temporary restraining order or preliminary injunction (Docket No. 82). Both motions essentially seek injunctive relief. On May 18, 2023, Judge Mitchell issued a Report and Recommendation recommending that the Court deny Plaintiff's motions. Docket No. 111. Plaintiff objected. Docket No. 123.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*


grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his objections, Plaintiff reargues the merits of his motions, but he does not establish that he is entitled to the extraordinary remedy he seeks.

“The party seeking a preliminary injunction must show that the threatened irreparable harm is ‘more than mere speculation,’ and ‘that the injury is imminent.’” *Rodden v. Fauci*, 571 F. Supp. 3d 686, 689 (S.D. Tex. 2021) (quoting *Janvey v. Alguire*, 647 F.3d 585, 601 (5th Cir. 2011); *Humana, Inc. v. Jacobson*, 804 F.2d 1390, 1394 (5th Cir. 1986)). Plaintiff’s motions do not rise to that level.

Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff’s objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 111) as the opinion of the District Court and **DENIES** Plaintiff’s motion to take judicial notice (Docket No. 68) and motion for a temporary restraining order or preliminary injunction (Docket No. 82).

So **ORDERED** and **SIGNED** this **28th** day of **July, 2023**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE